

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DORY D. VALVERDE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/14/10

Plaintiff

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

08 Civ. 8084 (DAB) (DCF)
ADOPTION OF REPORT
AND RECOMMENDATION

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Debra C. Freeman, which was filed March 23, 2010. The Report recommends that Defendant's Motion for Remand be GRANTED, that the ALJ be directed to reexamine his prior opinion only to the extent that he determined that Plaintiff was no longer disabled as of May 20, 2005, and that the ALJ be directed to accord controlling weight to the opinions of Plaintiff's treating physicians regarding her residual functional capacity or give good reasons for not doing so, and to identify the particular functions that Plaintiff is capable of performing, with reliance on medical sources and specific references to the medical record. (Report at 9-10.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], any party may serve and file written

objections to such proposed findings and recommendations..." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. See 28 U.S.C. § 636(b)(1)(A); Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). To date, the Parties have filed no objections to said Report and Recommendation.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(A), it is hereby

ORDERED AND ADJUDGED as follows:

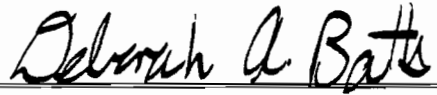
1. The Report and Recommendation of United States Magistrate Judge Debra C. Freeman dated March 23, 2010 be and the same hereby is approved, adopted, and ratified by the Court;
2. Defendant's Motion for Remand is GRANTED;
3. The ALJ is directed to reexamine his prior opinion only to the extent that he determined that Plaintiff was no longer disabled as of May 20, 2005, accord controlling weight to the opinions of Plaintiff's treating physicians regarding her residual functional capacity or give good reasons for not doing so, and to identify the particular functions that Plaintiff is capable of performing, with reliance on medical sources and specific references to the medical record;

4. The Clerk of the Court is directed to CLOSE the docket in this matter.

SO ORDERED.

Dated: New York, New York

April 14, 2010

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts
United States District Judge